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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

SEP - 4 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Clifton, Tennessee)

MM Docket No. 96-163
RM-8841

To: Chief, Allocations Branch
Mass Media Bureau

REQUEST TO OPEN APPLICATION WINDOW

Clifton Broadcasting Company ("Company"), by its attorney, herewith requests that the Chief open an application window for Channel 293A at Clifton, Tennessee. In support, the following is shown:

1. The Chief, Allocations Branch, adopted, on October 18, 1996, a Report and Order that allotted Channel 293A at Clifton, Tennessee. A synopsis of the action was published in the Federal Register on November 6, 1996, 61 Fed. Reg. 57336, a copy of which is attached hereto. The synopsis indicates that the full text of the Report and Order was released on October 25, 1996. However, the full text of the Report and Order was never released on October 25, 1996, or on any other date, contrary to the representation made in the Federal Register synopsis.

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2. The foregoing facts came to Company's attention because the FCC released, on July 21, 1997, a Broadcast Applications Public Notice (Report No. 24037, page 5), a copy of which is attached, announcing the receipt of an application (ARN-970707MG) for Channel 293A at Clifton, Tennessee, tendered on July 7, 1997, by D. Mitchell Self Broadcasting, Inc. -- the petitioner herein. Having followed this proceeding closely, this prompted an inquiry to determine how an application could have been filed for a channel that Company believed the FCC had not yet allotted. In the course of that investigation, Company learned about the adoption of a Report and Order, the failure to release the full text of the Report and Order, and the publication of the Federal Register synopsis. At the time of the July 21, 1997, Public Notice the FCC database showed that Channel 293A was the subject of the allocation rulemaking proceeding in this docket. However, it showed that the channel had **NOT** yet been allotted.

3. On August 21, 1997, the Commission staff returned the Self application for Channel 293A at Clifton. Broadcast Actions, Report No. 44063 (August 26, 1997), copy attached.

4. Section 1.102(b) of the Rules and Regulations provides that an action taken under delegated authority in a non-hearing matter "shall, unless otherwise ordered by the designated authority, be effective upon release of the document containing

the full text of such, or in the event such a document is not released, upon release of a public notice announcing the action in question." The long-standing and consistent practice of the Allocations Branch, in FM allocation proceedings, has been to release the full text of a Report and Order, which contains an Order amending the FM Table of Allotments, contained in the Rules and Regulations, and which announces an application window. A typical Report and Order in an FM allocation proceeding specifies a date upon which the amendment to the FM Table of Allotments is "effective", usually more than thirty (30) days after the release date. In addition, a Report and Order typically specifies opening and closing dates for the application window, with the window usually opening on the effective date of the amendment to the FM Table and closing one month later. A synopsis of the Report and Order is published in the Federal Register shortly after the release date, which initiates the time-period for requesting reconsideration of the Report and Order, provided the Commission has released the full text of the Report and Order.

5. In addition, Section 1.425 of the Rules and Regulations provides that, in a rulemaking proceeding, the Commission "will **issue** a decision incorporating its finding and a brief statement of the reasons therefor" (emphasis added). Furthermore, Section 1.427(a) provides that "[a]ny rule **issued** by the Commission will be made effective not less than 30 days from

the time it is published in the Federal Register" (emphasis added). Accordingly, these regulations clearly require actual release of a Report and Order, separate and apart from any Federal Register publication.

6. Accordingly, it appears that an innocent mistake was made -- contrary to long-standing practice the Commission inadvertently failed to release the full text of the Report and Order in this proceeding. As a result of this failure to release the full text of the Report and Order, or any Public Notice, the action of October 18, 1996, never become effective, and thus no valid application window opened for Channel 293A at Clifton, Tennessee. Company simply wants the opportunity to tender its own application, along with anyone else who might be interested.

7. Accordingly, Company submits that the appropriate course of action at this time is for the FCC to release the full text of the Report and Order and to specify an application window that opens sometime thereafter. The FCC will have to issue a new synopsis in the Federal Register, or an erratum to the prior synopsis, to specify the correct release date and the "new" or effective application window dates.

WHEREFORE, Clifton requests that the Chief open an application window for Channel 293A at Clifton, Tennessee, at the earliest opportunity.

Respectfully Submitted,

CLIFTON BROADCASTING COMPANY

by Harold K. McCombs, Jr.
Harold K. McCombs, Jr.

Its Attorney

September 4, 1997

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List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Keaau, Channel 286C2.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-28441 Filed 11-5-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-163; RM-8841]

Radio Broadcasting Services; Clifton, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of D. Mitchell Self Broadcasting, Inc., allots Channel 293A to Clifton, Tennessee, as the community's first local aural transmission service. See 61 FR 42230, August 14, 1996. Channel 293A can be allotted to Clifton in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.6 kilometers (6.6 miles) northwest in order to avoid a short-spacing conflict with the licensed site of Station WBTC (FM), Channel 292C3, Sheffield, Alabama. The coordinates for Channel 293A at Clifton are 35-28-01 and 88-03-11. With this action, this proceeding is terminated.

DATES: Effective December 9, 1996. The window period for filing applications will open on December 9, 1996, and close on January 9, 1997.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-163, adopted October 18, 1996, and released

October 25, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by adding Clifton, Channel 293A.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-28438 Filed 11-5-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-156; RM-8840]

Radio Broadcasting Services; Limon, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 229A to Limon, Colorado, as that community's second local FM transmission service, in response to a petition filed on behalf of Roger L. Hoppe, II. See 61 FR 40774, August 6, 1996. Coordinates used for Channel 229A at Limon, Colorado, are North Latitude 39-15-36 and West Longitude 103-41-12. With this action, the proceeding is terminated.

DATES: Effective December 9, 1996. The window period for filing applications for Channel 229A at Limon, Colorado, will open on December 9, 1996, and close on January 9, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for

Channel 229A at Limon, Colorado, should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-156, adopted October 18, 1996, and released October 25, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, N.W., Room 246, or 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Channel 229A at Limon.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-28443 Filed 11-5-96; 8:45 am]

BILLING CODE 6712-01-P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1501, 1503, 1509, 1510, 1511, 1512, 1513, 1516, 1519, 1527, 1532, 1533, 1535, 1542 and 1552

[FRL-5632-4]

Acquisition Regulation; Administrative Changes

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document makes administrative changes to the EPA Acquisition Regulation (EPAAR), consistent with the Federal Acquisition Streamlining Act (FASA) and other administrative changes.

EFFECTIVE DATE: November 21, 1996.

7-21-97

BROADCAST APPLICATIONS

NON-COMMERCIAL EDUCATIONAL FM APPLICATIONS AMENDMENT RECEIVED

MI BMPED	-9701131A	WNHB	NEW HORIZONS BROADCASTING, LTD.	ENGINEERING AMENDMENT (970714IA)
		104.9 MHZ	LAKE CITY, MI	
NC BPED	-961231MA	NEW	FAMILY RADIO NETWORK INC	AMENDMENT (970714MD)
		89.9 MHZ	FOLKSTONE, NC	
PA BPED	-961127MA	NEW	AMERICAN FAMILY ASSOCIATION	AMENDMENT (970714MC)
		89.5 MHZ	FRANKLIN, PA	

FM BROADCAST STATION APPLICATIONS RECEIVED BUT NOT YET ACCEPTED FOR TENDER

KS	970709MD	NEW	ROBERT B. MAHAFFEY	CP NEW STN.
		94.3 MHZ	HUMBOLDT, KS	
MO	970708MA	NEW	VIANDS ENTERPRISES, INC.	CP NEW STN.
		92.5 MHZ	POPLAR BLUFF, MO	
MO	970708MB	NEW	D. RAMSEY & B. VANCIL, A GRAL PTNRSH	CP NEW STN.
		92.5 MHZ	POPLAR BLUFF, MO	
✓ TN	970707MG	NEW	D. MITCHELL SELF BROADCASTING, INC.	CP NEW STN.
		106.5 MHZ	CLIFTON, TN	

FM BROADCAST STATION APPLICATIONS ACCEPTED FOR FILING

(MINOR CHANGE APPLICATIONS ARE SIMULTANEOUSLY ACCEPTED FOR TENDER)

AR BMPH	-970627IE	KCXY	GARY D. TERRELL	MOD OF CP TO CHG ERP AND HAAT
		95.3 MHZ	EAST CAMDEN, AR	
AR BALH	-970711GG	KIPR	SBC LICENSE CORPORATION	VOLUNTARY ASSIGNMENT OF LICENSE
		92.3 MHZ	PINE BLUFF, AR	FROM: SBC LICENSE CORPORATION
				TO: CITADEL LICENSE, INC.
				(FORM 316)
CA BMPH	-970619JB	KZPO	LINDSAY BROADCASTING	EXT OF CP (BPH-880504ME)
		103.3 MHZ	LINDSAY, CA	

August 26,
1997BROADCAST ACTIONS

August 21, 1997

PR BTCH	-970708GG	WOQI 93.3 MHZ	PORTORICAN AMERICAN B/C CO., INC. PONCE, PR	APPLICATION GRANTED TO FM BROADCAST STATION VOLUNTARY TRANSFER OF CONTROL FROM: INOCENCIA BIGAY VDA. SOLTERO, MARIA C. MORALES, ALFONSO GIMENEZ PORRATA TO: WOQI, INC. (FORM 315)
TN BPH	-970707MG	NEW 106.5 MHZ	D. MITCHELL SELF BROADCASTING, INC. CLIFTON, TN	APPLICATION RETURNED TO FM BROADCAST STATION CP NEW STN.
TX BAL	-970813GH	KONO 860 KHZ	OCTOBER COMMUNICATIONS GROUP, INC. SAN ANTONIO, TX	APPLICATION GRANTED TO AM BROADCAST STATION VOLUNTARY ASSIGNMENT OF LICENSE FROM: OCTOBER COMMUNICATIONS GROUP, INC. TO: RADIO KONO, LTD. (FORM 316)
TX BPH	-970429IC	KCDQ 102.1 MHZ	CHAMPION OF MIDLAND-CDESSA, INC. MONAHANS, TX	APPLICATION GRANTED TO FM BROADCAST STATION CP TO CHG HAAT AND CLASS
TX BMPH	-970724JB	KKYN-FM 103.9 MHZ	RADIO MUSIC BOX CO., L.C. PLAINVIEW, TX	APPLICATION GRANTED TO FM BROADCAST STATION EXTENSION OF (BPH-901113IA)
TX BAPLH	-970813GG	KRIO-FM 94.1 MHZ	APRIL COMMUNICATIONS GROUP, INC. FLORESVILLE, TX	APPLICATION GRANTED TO FM BROADCAST STATION VOLUNTARY ASSIGNMENT OF CONSTRUCTION PERMIT AND LICENSE FROM: APRIL COMMUNICATIONS GROUP, INC. TO: RADIO KRIO, LTD. (FORM 316)
TX BALH	-970813GI	KONO-FM 101.1 MHZ	OCTOBER COMMUNICATIONS GROUP, INC. HELOTES, TX	APPLICATION GRANTED TO FM BROADCAST STATION VOLUNTARY ASSIGNMENT OF LICENSE FROM: OCTOBER COMMUNICATIONS GROUP, INC. TO: RADIO KONO, LTD. (FORM 316)

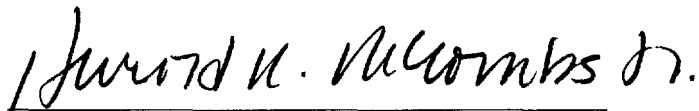
CERTIFICATE OF SERVICE

I, Harold K. McCombs, Jr., do hereby certify that I have caused to be served by mail, First Class postage prepaid, this 4th day of September, 1997, copies of the foregoing "Request to Open Application Window" on the following persons:

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